



TEXAS JUVENILE JUSTICE DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

TO: Institution Superintendents
FROM: David Reilly, Executive Director
SUBJECT: Level II Hearings
DATE: May 23, 2016

Effective immediately, Administrative Directive #3 (Fiscal Year 2013) is rescinded.

The purpose of Administrative Directive #3, which mandated Level II Hearings be held for all instances in which specific major rule violations were alleged, was to demonstrate that TJJD takes all major rule violations seriously, which it does. The purpose of a Level II Hearing is to provide a robust level of due process when behavior warrants a serious consequence or warrants being made a part of the youth's behavior record for the Release Review Panel to consider when making release decisions.

Mandating when Level II Hearings must be held has resulted in some unintended consequences, such as lessening the impact of the hearing and discipline due to the sheer number of hearings for certain youth, as well requiring a hearing be held even when an investigation reveals the hearing is not warranted, such as when a youth was defending himself or herself in an instance in which he or she was not the aggressor.

While all major rule violations are considered serious and it is expected that youth will be held accountable for misconduct as appropriate and as set forth in TJJD policy, the intent of this change is to ensure that local authorities have the discretion to ensure that the Level II Hearings are used to address youth misconduct when appropriate, after taking into account all available information, including the particular facts of the incident, the youth's behavioral history, and the youth's responsivity to lesser sanctions. Returning to the discretion allowed by policy is intended to return balance to the behavior management system by allowing staff to focus time and attention on those youth and those rule violations that warrant this level of due process and consequences while using other available interventions and consequences to those that do not.

Discretion comes with responsibility; facilities must ensure that decisions about when and for whom to have these hearings are made fairly and equitably. Decisions must be equitable not only within each facility but also throughout the state. Superintendents will be involved in discussions with State Programs/Facilities senior management about these expectations and will be tasked with setting up systems to ensure proper and consistent application of this flexibility.

A blue ink signature of David Reilly, written in a cursive style.

David Reilly
Executive Director